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Board Meeting – April 8, 2013

21st Floor – Conference Room 1

Present Board Members:

- Diane McLeod, Acting Chair (DM)
- Myra Berloff, Massachusetts Office on Disability (MB)
- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- Carol Steinberg, Member (CS)
- Mark Trivett, Member (MT)

and

- Thomas Hopkins, Executive Director (TH)
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

Members Not Present:

- Walter White, Executive Office of Public Safety Designee, Chair (WW)
- Andrew Bedar, Member (AB)
- Gerald LeBlanc, Member (GL)

- Meeting began at 9:00 a.m.

1) **Incoming:** Sovereign Bank, 287 Hanover St., Boston (V13-069)

TH - EXHIBIT – variance application

- housing and retail
- renovation of existing retail into bank
- providing accessible entrance and ramp

- two variances 24.3, ramp width, 24.5, landing at ramp
- cannot meet minimum dimensions due to existing storefront colonnade
- ramp is 3'9"

CS - grant both as proposed

MT - second - carries

2) Incoming: Tent project, Stonehill College, 310 Washington St., Easton (V13-078)

TH - EXHIBIT – variance application

- tent at Stonehill for certain events
- only a portion of the surface under the tent will comply
- provided various seating layouts, theater style, dining, and classroom style
- IA opposes the variance

CS - why can't they make the entire tent surface accessible?

- what is the rest of the ground cover?

TH - grass

TH - theater style seating layout – EXHIBIT

CS - deny

RG - second – carries with MT abstaining

3) Incoming: Butterfield Elementary School, 94 South Main St., Orange (V13-066)

TH - EXHIBIT – variance application

- incline wheelchair lift between basement first and second floors being replaced
- key switch has been removed, and pin pad and key access system proposed for safety reasons
- will provide call buttons at each landing so that assistance can be requested

CS - grant

MB - second, but need to have written policy about after hours use, and notice at the lift about how to access the lift, and need someone on duty at all times to help with lift operation – carries

4) Incoming: Alta at Legacy Farms Apartments, 1-10 Woodview Way, Hopkinton (V13-067)

TH - EXHIBIT – variance application

- new construction of 7 residential apartments, 240 units
- variance for sink depth, with policy in place

MB - grant, as proposed

MT - second - carries

5) Incoming: Mixed Use retail offices and health club, 200 Boylston St., Chestnut Hill (V13-072)

- TH - EXHIBIT – variance application
- new construction of 5 story mixed use building
 - 197,000sf
 - proposing a LULA to serve inside the health club to provide access from the locker rooms to the pool
 - house elevators to access the locker rooms
 - 3story gym, entrance level reception area
 - down to the gym
 - no lift shown on the plan

RG - grant on the condition that there is access into the pool itself, via a HOYA lift or another form of access

MT - second – carries

6) Incoming: Grill 23 and Bar, 161 Berkeley St., Boston (V13-075)

- TH - EXHIBIT – variance application
- under 30% now, but work done a few years ago that did trigger full compliance, but no variances sought
 - current project is for access to the first level
 - Boston Commission does not support the variance request

CS - hearing

MB - second - carries

7) Incoming: First Parish Church, 225 Boston Post Rd., Wayland (V13-064)

- TH - EXHIBIT – letter from owner
- over 30%, based on statement from architect
 - two buildings on the property, being connected by new link
 - multiple requests

CS - hearing

MB - second - carries

8) Incoming: New Housing, Arlington 360, 4105 Symmes Circle, Arlington (V13-074)

- TH - EXHIBIT – variance application
- no information on spending
 - asking for sinks, outlets over counters and vertical wheelchair lift to pool level

CS - continue for more information

MB - second – carries

9) Discussion: Thayer Public Library, 798 Washington St., Braintree (V13-065)

- TH - EXHIBIT- variance application
- existing library
 - not over 30%
 - installing new parking, and walkways
 - seek a variance to western entrance that has been served by an exterior vertical wheelchair lift
 - due to lack of proximity to parking lot and the limited use of that lift, due to the other accessible entrances being closer to the parking lot
- Braintree Commission on Disability supports the variance request, supports the request, but “with a heavy heart”
- the rear entrance is fully accessible and the work will make the sidewalks more accessible

MB - grant

MT - second – carries

10) Incoming: Duxbury Yacht Club, 489 Washington St. Duxbury (V13-071)

- TH - EXHIBIT – variance application
- building constructed in 1780 and used until private residential time until this time
 - Yacht club bought it and proposed public usage
 - made the first floor fully compliant
 - work performed, and 3.4, change in use
 - variance for 28.1, regarding vertical access to the second floor, and 26.1 regarding the doors at the second floor (28” clear)
- will provide accommodations, relative to services provided at the second floor
- the Duxbury Disability Commission supports the variance
- will relocate meetings if need be, and accommodations for second floor offices provided
- 2,188 square feet per floor
- primarily office space and a meeting room at the second floor
- Duxbury Commission unanimously agreed to support the variance for the use of the second floor, since they are confident of the accommodation policy proposed

MB - grant

MT - second – carries with CS opposed

11) Incoming Discussion: Old State Mutual Building, 240 Main St., Worcester (V12-316)

- TH - previously granted, but asked the Petitioners to provide LULA cost and lift cost
- LULA \$93,200.00
 - this case was granted but asked for more information

12) Incoming: Concord-Carlisle HS, 500 Walden Street, Concord (V13-057)

- TH - EXHIBIT – variance application
- new construction of three-story high school for grades 9-12
 - seeking to install vertical wheelchair lift for access to orchestra pit from stage

MB - grant

DM - second - carries

13) Incoming Discussion: Restaurant, 11 Beacon St., Boston (V13-024)

- TH - EXHIBIT – variance application
- second request by the architect on behalf of the owner
 - originally proposed a soft opening
 - granted the variance, with the condition that the upper level cannot be used
 - parties have already been scheduled for the upper area
 - request to use the upper level was required to be submitted to all of the parties concerned
 - heard from Katherine Aldrich from Disability Commission from Boston, supporting the original vote of the Board, to not have the upper level be open, due to lack of access to that upper level
 - three events already booked at \$12,000 per party
 - called the architect after the decision, told him to order the lift right away
 - April 4th email includes check and a bill for the lift
 - went to a site visit on February 20th

MB - so the architect has known since then that a lift would have been required

TH - they were originally proposing no access, but I told him that this would not fly without the condition that no functions are held at the upper level

MB - those three parties that are scheduled at the upper level, can they be moved to the first floor?

CS - what was the motion?

TH - granted the variance to use an incline lift, and allowed the soft opening for a temporary CO, with the upper level to not be used until the lift was installed, inspected and operational. Also gave information as to how to contact the elevator division of the department of public safety

- at the site visit, told them that the variance for no access would not be granted unless they did not have functions at the upper level

MB - maintain previous decision

MT - second – carries

TH - email to Gary Moccia also about new request from the Petitioners

MB - need to make sure that ISD knows, need to say that the upper space may not be used on the specific dates noted

MB - motion to notify ISD that the AAB reaffirmed its original vote to not allow use of the upper level for private functions, therefore it cannot be used on May 1, 2, and 3, as is indicated in the Petitioners letter to the Board

MT - second - carries

CS - they did not tell the Board about the parties prior to the variance application

DM - no, they said soft opening

DM - they just ordered the lift

TH - takes 6-8 weeks for a lift to come in

CS - contract for the parties?

MB - doesn't matter, the party can be moved to the first floor

14) Incoming: Beckett Athenaeum, 3367 Main St., Beckett (V13-073)

TH - EXHIBIT – variance application

- addition of loft space to increase the usable floor space for the building, over 30%

- application says 3.3.2, and 28.1, regarding lack of access to the loft space

- did not due review of the entire building

- need to meet with them.

CS - continue to have Petitioners meet with TH

RG - second – carries

15) Incoming Discussion: Convenience Store, 182 Myrtle St., Lynn (V13-062)

TH - EXHIBIT – variance application

- originally presented on 3/25

- met with the owners

- received a set of plans, that show that they can modify the floor and ramp into the store without losing too much space

- 1:10 ramp, and proposing time variance for the automatic door opener

MT - how much time do they want?

TH - maybe 6 months

MB - going to do the ramp immediately, and time for the auto opener to be installed

CS - grant the variance for the ramp slope of 1:10, on the condition that a doorbell be installed in the interim of the auto opener being installed, to be completed prior to opening

RG - Second – carries

CS - grant until 9/1/13 for the installation of an auto opener at the bottom of the ramp

MT - second – carries

*** NO MORE DIANE MCLEOD – MARK TRIVETT AS CHAIR, ALL VOTES WILL REQUIRE ADDITIONAL VOTE DUE TO THE LACK OF QUORUM***

16) Incoming: Auburn HS Press Box, 99 Auburn St., Auburn (V13-079)

TH - EXHIBIT – variance application
- new press box

MB - *grant use of lift, as proposed*

CS - *second – all in favor, requires additional vote*

CS - *require contract and check by May 15, 2013, lift be installed by September 1, 2013*

RG - *second – all in favor, requires additional vote*

17) Incoming: Waverly Commuter Rail Station, 525 Trapelo Road, Belmont (C12-033 & V13-076)

TH - hearing on complaint, sent them away to request variance

CS - *hearing*

MB - *second – all in favor, requires additional votes*

18) Incoming Discussion: Follow-up, Winter St. Bridge, Framingham (V13-029)

TH - sent in a redesign of the handrails (EXHIBIT)
- originally approved a design of the handrails
- not continuous

MB - *reaffirm original acceptance of original design, 1/29/13 Chapel Engineering, because the most recent design (Chapel Engineering) submitted to the Board, does not indicate a compliant continuous handrail*

RG - *second*

CS - why can't they do the original design?

TH - because they said MassDOT engineers do not like the design
- nothing in writing from MassDOT
- *all in favor, pending another vote*

19) Discussion: Villa Victoria Center for the Arts, 85 Washington St., Boston (V09-175)

TH - EXHIBIT – recent submittal
- seeking an extension for more recent order from the Board

CS - was there last Wednesday, but the toilet room was accessible
- the accessible entrance was late

CS - *accept extension request*

MB - this was supposed to be in place since when

CS - August 2012

- they came to us for an extension in March, but already out of compliance with the Board's order

- was supposed to be done, months and months ago

- need to include notice of fine hearing, if we don't have the required information by that time

TH - requesting an additional week for submittals

CS - *withdrawn*

MB - *grant the extension to 4/19/13, on the condition that they are notified that if they don't provide information by 4/19/13 then fine hearing will be scheduled*

RG - *second – all in favor pending an additional vote*

MB - *Expedite*

RG - *second – all in favor pending an additional vote*

20) Discussion: Oxford Middle School, 495 Main St., Oxford (V12-233)

TH - document submitted, that states that if they don't do the sprinkler project, then access would not be triggered

CS - ORDER that if they determine that the sprinkler system will need to be installed, and that additional funding is not approved at the Town meeting, therefore bringing requiring the abandoning of the HVAC and accessibility upgrade project, verification of spending on the building over the last three (3) year period shall be submitted to the Board to verify that the current ongoing work will not trigger Section 3.3.2 of 521 CMR.

MB - *second - all in favor pending an additional vote*

MB - *expedite*

RG - *second - all in favor pending an additional vote*

21) Discussion: Dennis Yarmouth High School Press Box, 210 Station Avenue, Yarmouth (V10-151)

TH - press box was posted on April 2, 2013 to cease and desist usage of upper floor

- received letter on April 5th from Superintendent Carol Woodbury

- status update that they are getting elevator quotes for creating access

- district now taking over the project

- the site report shows other press box areas throughout the property that are not accessible

- need to respond to the site report

- three press boxes on the site total

MB - write to superintendent to advise her that Mr. Dempsey noticed two other press boxes that were not previously brought to the Board's attention, please be advised that all press boxes must be accessible and consider this the official notice, that no press boxes that require vertical access, can be used above the ground floor accessible entrance, until they are made accessible, please advise the Board in writing to verify that these will not be used

RG - second – all in favor pending an additional vote

MB - expedite

CS - second - all in favor pending an additional vote

22) Discussion: Cathedral High School, 74-76 Union Park Street, Boston (V09-109)

TH - April 1, 2013 status report, this is the last one

- they (Board of Directors) are offering to continue status updates, even though only three were originally required by the Board

- proposing to start in June of 2013 and the work will be completed by the end of 2013

CS - so will not meet the original deadline

TH - October 12, 2012 deadline, granted them additional time to the fall of this year

CS - why can't they be done by September; losing another school year with accessibility

MT - not possible with the construction timeframe in the process currently

MB - agree that losing another year with no access, but can't make them go any faster

TH - they rejected the first round of bids, because they were too high

MB - accept the report, and extend the date to January 1, 2014, with verification that all items are completed inspected and ready to use, schedule a fine hearing

RG - second, on the condition that they amend the website to reflect that date of January.

MB - fines will begin January 2, 2014 at previously stated date, per last decision

- RG and MB in favor, CS opposed, pending an additional vote

23) Hearing: Apartment Building, 40 Norris St., Cambridge (V12-293)

MT - called to order at 11:30 a.m.

- notify Petitioner, due to unforeseen circumstances lack of quorum, can proceed and have another member review the tape and cast the vote or can reschedule the hearing for another date

Dominic Valente, Architect (GV)

DV - ok with going forward with the hearing

- MT - DV sworn in
- EXHIBIT 1 – AAB1-23
- TH - received email from DV with additional information and pictures on Sunday, April 7th
MT - accept as EXHIBIT 2
- TH - drawing on the right is for the nosings
- DV - proposing to maintain existing newels and ballasts
- existing stairs, two will remain, have very fancy balusters, built in about 1897
- the stairs are very wide
- even the narrowest of stairways is 4'6"
- will only use the handrail at one side, so proposing wall side compliant
- building will have an elevator, fully compliant
- stair nosings at existing stair, cost estimate for nosing work approximately \$20 per foot of rise
- there are some 7 feet stairs and others that are 4.5 feet, \$19,800.00
- not the easiest set of stairs to traverse, majority of people will most likely choose to use the elevator
- detail of infill in the email submittal (EXHIBIT 2)
- has to be milled to fit the contour, would make it compliant
- DV - enter at half-level, treads are 12 1/4", nosing is almost an inch and a quarter
- MB - spending is well over 30%
DV - yes
- how are the stairs used?
- come to main level landing, wide stairway and then left and right is narrower set of stairs
DV - accessible entrance at the rear that leads to the accessible entrance
- only ones that may possibly come in from the front would be visitors, can go up the walkway to the lift, which will bring you down to the lower level to access the elevator lobby
- MB - what is on Norris St.?
DV - the majority are of multiple families, it is a residential street, and it is down the street from a school
- MB - inch and quarter nosings are significant, even for those that are able to climb stairs
- to me, \$19,800.00 not an undue financial burden
- CS - location of this set of stairs?
DV - the accessible entrance will be on the left hand entrance, not the right (as shown on AAB19) due to the location of the transformer
- get on the lift and go down to the elevator
- MB - stairs will be used
DV - residents will come from the back where the parking is

- regularly use the stairs as well as the elevator in my own building
- need a safe set of stairs

- DV - dimension from one floor to the next is almost 14 feet, two stories, plus the lower level
- 24 risers per floor

MB - deny and require that compliant nosings are installed prior to occupancy

CS - second - all in favor pending an additional vote

- DV - proposing wall side handrail

MB - grant variance for the lack of interior compliant handrails, on the condition that wall side handrails installed as compliant prior to occupancy

CS - second - all in favor pending an additional vote

- DV - entrances, front has two entrances, one is accessible, and one is not
- photographs at last page of recent email (Exhibit 2)
 - front right entrance will be accessible, front left entrance will be inaccessible
 - the other main entrance to the building is at the rear, that door will be accessible, and is the main entrance for the tenants, due to the location of parking
 - there are two other side entrances that go down a stairwell, and are not accessible
 - they are a means of emergency egress from the commercial spaces
 - do not need these entrances by code, so could be filled in
 - originally, when it was a school, one of the stair egress came out of the cafeteria, and one from the lavatories
 - one on the right hand side, is on the property line, access at this entrance would block the driveway

- MT - rear accessible entrance
- one of two front entrances will be accessible via a ramp through the front entrance to a lift down to the elevator lobby
 - signage?

DV - yes

- two side exit ways, from unrelated spaces, commercial

TH - there are stairs at the interior

- MB - does the accessible entrance communicate in the same way as the inaccessible entrance?

DV - yes, or could proceed to corridor to go to the two commercial spaces

- MB - if I enter the building through the front accessible entrance, same location as the other front entrance

DV - yes, same floor level at all locations

- CS - one step, looks easy to make accessible?

DV - enter into half level

RG - front entrance doors, how wide is each leaf?

DV - each leaf is 36 inches

MB - grant the variance for the lack of access at the entrance to the left entrance, which mirrors the accessible right entrance, since proven excessive cost without substantial benefit

CS - second –

RG - require signage

MB - yes

- all in favor pending an additional vote

MB - grant variance to two side exit way staircases from the lower commercial level, based on exc. cost without benefit and tech. infeasibility

CS - second –

- all in favor pending an additional vote

24) Discussion: Christer Ericsson, Mobile LiDAR discussion with the Board

MT - introduce the Board

Patrick Senne, Aerial Cartographics of America, Inc. (PS)

Christer Ericsson, Greenman-Pedersen, Inc. (CE)

CE - mobile LiDAR mapping

- before the Board prior with the Mass. Ave. project

- under contract with MassDOT

- David Phaneuff asked how this could work mapping wheelchair ramps along sidewalk

- didn't appear to be the cost effective solution, but within survey, there is a relative accuracy and absolute accuracy

- spoke with Phanneuff and found that had to do a huge undertaking to survey each wheelchair ramp

- data filed and put in boxes for the surveying

- also talked with City of Boston, met with Para Jayasinghe, to discuss how mobile LiDAR would help the City with the transition plan

- need a letter from the Board accepting the use of the mobile LiDAR system

- met with TH and suggested that we come before the Board

- research found a September 2008 research plan, as to how the information was collected

- techniques were all over the map and

- smart level, measures the table as 0.3, some sand changes the reading, will not be the same reading if not in exactly the same spot

- mobile LiDAR is repeatable, and can be reviewed in a controlled environment

PS - SmartLevel is the gold standard here, since nothing else has been thought out

- land surveyor

- nothing wrong with the smartlevel for certain measurements, but for a streetscape project, the information research takes a long time

- been around for a while
- liDAR, Light detection and ranging
- effective in various markets
- uses GPS and inertial navigation system
- knows distance and time to site, to combine and get process and dense determination
- point click
- mid block curb ramp
- color change in elevation
- can mount on most any truck

TH - color bars shows slopes
 - is the bar the slopes?

PS - in this one no, but can do that

PS - gives you the survey information
 - ramp may not have anything to do with slope or ramp across the street, but this just measures slopes
 - also known as Mobile Mapping Systems (MMS)
 - 120 pounds; can mount on any vehicle
 - two lasers that scan 360 degrees, which scan independently
 - also have video or still shots, to get other information that may be pertinent to the ramps
 - in one pass, you get all the signage and surrounding features
 - do multiple passes down one street, to limit number of obstructions
 - this would narrow down the need for onsite inspections by individuals

MB - can this give you the detail to show the exact slopes?

PS - yes

PS - did a review of downtown Orlando
 - some areas are historic and somewhat similar to Boston
 - also has reflectant based gray scale, shows details of each intersection, signs, signals, etc.; this is information that would have to go back and be reviewed if it came up
 - can do an overlay to integrate further information

MB - can it focus on the sidewalks?

PS - 250 does up to 45 mph
 - 450 now does up to 75-80 mph
 - the slower you go, the more accurate the information received is

PS - as you see areas that you think you need more information, then can send out to do spot checks to verify measurements
 - reduces the amount of time needed at each site

MB - would this show changes at a 1/4 inch

CE - yes

- PS
- all information taken is surveyed information
 - cost effective and consistent-predictable-repeatable, defensible (information can be repeated)
 - high density point cloud, slope output and condition analysis
 - 27 measurements for each ramp required by MassDOT, this is a consistent way to get each measurement
 - as you go down the ramp, may have issue with laying the smartlevel down (may be placed at a different position, or placed at a different location)
 - also safety issue in that you don't have to be out on the sidewalk, or in the street
 - in-depth analysis of the entire ramp area
 - point cloud is foundation of transition/redesign plans
 - one to two people out doing the surveying, get much more done in one day
 - 50-100 intersections can be done in 2-3 weeks
- MB
- can catch the transition between the curb cut and street
 - pooling of water would be able to do the work?
- PS
- that is the only way that they can't measure
 - it would show up as a big black spot
- MB
- which would be the answer to what the problem is?
- CE
- center measurements, would need to read the data and then make the determination
- PS
- take the measurements from any location on the curb cut
- CE
- the color range shows the level of changes
 - can change the area to look at the measurements
- MB
- also takes pictures
- CE
- can measure slopes and see signs, signals, crossing markings
- TH
- Beta Group color coding areas for furniture zones, on sidewalks
 - sample of design for compliance
- MB
- 110,000 ramps within the city
- CE
- took the sample of maps from Mass. Ave., could easily color-code the plans, and quickly prioritize what needs to be done sooner than later
 - not discounting smartlevel, just not the right approach to do a state or city wide project
 - the time it takes to do the measurements and be concise
 - want to present the information, and want to get approval from the Board to utilize this system to do a transition plan
- TH
- demonstration project proposed of 5 intersections?

- CE - yes, or could do more than that
- PS - MassDOT and the City of Boston aren't open to this until they get the okay from the Board to use this system
- TH - using AAB?
MB - yes, and more for MassDOT
- PS - snow or rain would be an issue, but could go back and change the measurements
- high resolution photographs at the same time
- CE - right now, doesn't appear that there is a lot going on; just finger pointing at this point
- even if this didn't give you 100% accuracy all the time, can get up to 80% and a lot more information that is currently in the database
- PS - identify the areas of issue with the LiDAR and then go back to do the site visit
- CE - would also determine higher priority items
- CS - Worcester recovery hospital with a lot of data
TH - set the parameter with initial site visit
- MB - can we do a pilot project?
CE - yes, but have heard that SmartLevel is the tool of choice, but told that if a letter from the Board was issued that allowed the usage of this system to get the measurements
- TH - letter of support for demonstration project
- MB - quality control piece is critical
- CE - in the white paper booklet
- very subjective in use of the smartlevel
- CS - has this testimony been accepted in court?
PS - just got accepted for roadway design for State of Florida
- not necessarily new, unsure if accepted in court, but can be used as a surveyor tool
- CE - unsure if ever been challenged
- PS - can always be a field visit to clarify measurements
- MB - pilot program length?
PS - two weeks to review, to do about 20 blocks, 10-15 in historic residential all in the same day

25) Hearing: Commercial Tenant Building, 330 Washington St., Boston (V12-304)

MT - called to order at 2 p.m.
- notice of quorum being not complete, can proceed with hearing and have another member review the tape, or can reschedule the meeting

Doug Anderson, C3 Consultant (DA)

Michael Murphy, Clarendon Group USA, Inc (MM)

DA and MM - proceed with hearing

MT - introduce the Board
- both DA and MM sworn in
- EXHIBIT 1 – AAB1-55

DA - small building up the street from downtown crossing
- 30 years ago a rear egress path was completely blocked for an adjacent building, limits the usability of the building at the first floor
- triggered full compliance based on the proposed work
- four story building with a basement
- shoe store moved out in June of 2011 (first floor and basement), second and third floor was a nail salon that has been closed since last summer
- top floor is vacant apartment
- vertical access required
- built in 1880's, rear alley that extended to milk street
- in 1938, Boston Transcript, the alley was over built, but still a route underneath it, new building in the alley blocked rear egress
- at some point, the path of egress was supposed to be thru One Milk Street, but was blocked off and current owner not willing to allow egress thru the building
- there is no record of easement thru Milk Street building
- obtained variance from Building Code Appeals Board, on the condition that path not blocked and window all glass
- upstairs tenant then renovated and triggered 30%
- looked at different schemes to provide vertical access, AAB38 and 39
- AAB38, elevator makes the corridor down to 2 feet 6 inches
- street exposure is less than 5 feet wide
- scheme #2, shows LULA or vertical lift, would have to take up first floor conference space, and limited leasable space
- perspective of rear of tenant space of scheme (three photos total)

MT - three photos rendering elevator scheme #2, EXHIBIT 2

DA - spreadsheet and financial analysis

- MM - egress related work \$127,000.00
 - storefront and lift work \$368,189.00
 - total of \$495,000.00, just for egress, lift and storefront work
 - building valued at \$875,000.00
 - does not take into account the first floor tenant space prep work for occupancy
 - AAB54, spreadsheet with mistake, brought new copies
- MT - where is the mistake?
 MM - yes, Scheme 2 scenario, square footages are incorrect
- MM - outline revenue best and worst case based on schemes (TAPE)
 - rental space is \$95-100 per square foot
 - if space is reduced, then rental rate drops drastically
 - been vacant since 2011 because of egress issues and access issues
 - doesn't make sense to own the building at this point due to all of these outstanding issues
 - unlikely that they are going to be able to rent space with a 2' 6" corridor to the main portion of the space, and any ground floor tenant will require patrons of upper floors to go thru the space to access upper level tenant spaces
 - no frontage on the street and a corridor, makes a significant change in the rental income, down to \$35-45 / square feet
 - salon was bought with intent to renovate the business
 - been waiving rent for the second and third floor tenant spaces (both the salon) thru April
- DA - also looked into having a single tenant, but the first floor rental space is too high for the salon owner to rent that space as well
 - looked at every possible option
 - second egress across the roof of the CVS and down fire escape, but alley is too narrow
- MT - B and M restrictions from Building Code Appeals
 DA - yes, no assembly use
- MM - spreadsheet done by salon owner of financial impact of the elevator installation
 - scenario 2 and 3 contemplates AAB38 plan, and outlines loss based on utilization and loss of functionality
- DA - excessive cost without benefit shown in the submitted spreadsheet
 - of course there is a benefit to providing access, but due to the cost, would just vacate the building
 - technological infeasibility, would have to reframe on 2 of the 3 floors at least, unreinforced masonry walls, then requiring seismic clip upgrade, which would again make the building unusable
- MB - presented very good argument
- CS - hate to see things taken offline, but do understand argument

- did you look at just getting access to just one floor above the first floor tenant space to access the second floor

- incline lift up to the second floor?

DA - yes, looked at both, incline lift would be curved up three flights of stairs

- wouldn't work for that salon order because of split use at each level

MM - first floor is manicure, pedicures, and upper floor is facials, waxing, more of a spa space

CS - what about just up to the second floor

MM - asked to breakout two stop lift, as opposed to three-stop, \$88,000.00 difference between the two, \$406,700.00 for the two-stop,

DA - impacts the first floor the same way

CS - basement level?

MM - just storage

CS - fourth floor?

MM - was previously used as an apartment by the former owner of the building, was vacant for the past two years; plan would be for apartment or small office space

CS - AAB7, stairs?

DA - basement stairs, storage use only

MM - basement is mechanical space and storage

RG - do the other stairs have railings and are they compliant

MM - they do have handrails going all the way up

DA - AAB17

MB - shows open risers

DA - will be taken out; if it doesn't comply then will comply

CS - *grant the variance for no vertical access, based on technological infeasibility*

MB - *second –*

RG - *signage that says there is no access*

CS - *no would find that out pretty quickly*

TH - *any alternate locations or accommodations?*

DA - *no*

CS - *this use only, and recorded with the registry, with the exception of this first floor*

KS - *but don't know first floor tenant*

DA - *building code appeals board conditioned that no assembly use*

MB - *seconded the outright variance, not usage conditions*

CS - *withdraw*

MB - grant relief for the lack of vertical access, based on petitioners proving that full compliance would be technologically infeasible

RG - second – MB and RG in favor and CS opposed, if have to vote, MT in favor, need to get one more vote

26) Discussion: Grafton Public Library, 35 Grafton Common, Grafton (V10-074)

- TH - LLB Architects, April 8, 2013, letter,
- contractor chosen for the work to be done and construction has begun, with full set of construction documents submitted
- proposed substantial completion of mid-June of this year, need to close the building for 5 weeks (April 29th)
- seeking until when August 16, 2013

MB - grant to September 1, 2013

CS - second - all in favor pending an additional vote

27) Hearing: Entrance, 195 Binney St., Cambridge (C12-097)

- MT - called to order at 3:00 p.m.
- introduce the Board
- lack of quorum, can proceed with the hearing and have another member review the meeting, or could reschedule
LB - ok to proceed

Laura Boule, Equity Residential (LB)

Mark Dempsey, Compliance Officer for the Board (MD)

- MT - both were sworn in
- EXHIBIT 1, AAB1-32

- MT - Exhibit A, submitted by LB, site plan, prepared by Equity Residential - EXHIBIT 2

- MD - staff generated complaint
- lift at the property removed and reported to the Board Staff by the Elevator Inspector
- Equity is the new property

- LB - acquired the building on February 27, 2013, were unaware of this issue

- MD - site visit conducted on March 29th
- the lift served a level that only has four apartments, which none are accessible
- that is a locked entrance
- can go in the main entrance to get to the elevator for the building

LB - all of the accessible apartments are located in Building 1 or 4
- the lift was only for exterior visitability, because can visit the apartments via the interior elevator
- leasing office is in Building 1

MT - 3.3.4, reduction of access

MB - motion to find in favor of the complainant

RG - second

CS - without the lift, what is the lack of access to,

LB - just the stairs

- parking garage access that lead to the apartment

MD - AAB8, request to decommission the unit

- all in favor pending an additional vote

MT - packet of photos from MD site visit, EXHIBIT 3

LB - lift only serves 4 units, which can be accessed from the interior

MB - continue for the Petitioners to submit a variance application to be submitted no later than May 15, 2013

CS - second – all in favor pending an additional vote

28) Discussion: Decisions and Minutes from March 25, 2013

KS - any comments?

MB - accept the minutes and decisions of 3/25/13

RG - second - all in favor pending an additional vote, and with CS abstaining

- End of Meeting -